

MAY 01 2006 PATENT APPLICATION

ATTORNEY DOCKET NO. 200209831-1

**IN THE**  
**UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventor(s):** Eric D. Ustaris

Confirmation No.: 9436

**Application No.: 10/672955**

Examiner: RIMMER, Samuel G.

**Filing Date:** Sep 26, 2003

Group Art Unit: 2164

**Title:** A Computing Environment Adapted To Transfer Software Or Data From A File System To A Workstation

**Mail Stop Amendment  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450**

**TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT**

Sir:

Transmitted herewith is/are the following in the above-identified application:

Response/Amendment  Petition to extend time to respond  
 New fee as calculated below  Supplemental Declaration  
 No additional fee  
 Other: \_\_\_\_\_ (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Eric D. Ustaris

By W. H. H.

N. Rhys Mennett

**Attorney/Agent for Applicant(s)**

Reg. No. 27,250

Date: 06/01/2006

Application No. 10/672,955  
 Response dated: May 1, 2006  
 Reply to Office Action mailed: 04/20/2006

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

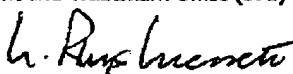
In re Application: 10/672,955  
 Filing Date: 09/26/2003  
 Inventor(s): USTARIS, Eric  
 For: A Computing Environment Adapted To  
 Transfer Software Or Data From A File System  
 To A Workstation

Confirmation No. 9436  
 Group Art Unit: 2164  
 Examiner: RIMMEL, Samuel G.  
 Attorney Docket: 200209831-1

**Mail Stop Amendment**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**Certificate of Transmission under 37 CFR 1.8**  
 I hereby certify that this correspondence is being facsimile  
 transmitted to the Patent and Trademark Office (571) 273-8300  
 on

May 1, 2006

  
 N. Rhys Merrett

**ELECTION OF INVENTION**

Dear Sir:

This paper is in response to the Office Action mailed April 20, 2006 requiring election between claims 12-14 (I – "method") and claims 1-11 and 15-18 (II – "apparatus"). Claims 1-11 and 15-18 are elected for examination, with traverse.

The asserted justification for the election requirement is stated in the Office Action as:

"... the apparatus is either a stand-alone workstation or a workstation in contact with a file server. The workstation can perform diverse methods materially different from the method claimed, such as word processing, numerical calculations and general computer programming."

With respect, this analysis is faulty. For example, the assertion "the apparatus is either a stand-alone workstation or . . ." is inconsistent with classification by the Examiner of claims 1-11 and 15-18 as "drawn to a computer environment with file server and workstation . . .". (Emphasis added.)

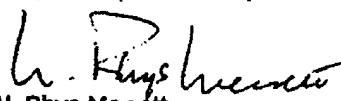
*Application No. 10/672,955  
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Further, claims 1 and 7 are directed to operability of a workstation in conjunction with a file server and a file system. Claim 15 (to be interpreted under 35 USC 112, 6<sup>th</sup> paragraph), is directed to a file server, means for storing client applications and data [e.g. file system 102], and means for retrieving from the means for storing and executing the client applications. Claim 17 requires operability of a CPU "wherein said CPU requests a client application and data from an external file system on behalf of a client and executes the client application on behalf of the client". Thus, none of the "apparatus" as claimed in any of claims 1, 7, 15 and 17 is seen to be consistent with operation of a workstation on a "stand-alone" basis as asserted in the Office Action. Rather, operability of the "apparatus" of each of claims 1, 7, 15 and 17 as claimed requires transfer of "at least some software or data" (claim 1); transfer of "client applications and data" (claim 7); retrieval of "client applications and data" (claim 15); and "requests a client application and data from an external file system and executes the client application" (claim 17), and the operability as claimed in claims 1, 7, 15 and 17, respectively is not consistent with operation of a "stand-alone" workstation as asserted in the Office Action.

MPEP 806.05(e) states "The burden is on the examiner to provide reasonable examples that recite material differences." It is respectfully submitted the above discussion demonstrates the Examiner has failed to meet this burden because all his exemplifications are inconsistent with the claim recitations. Request is respectfully made for withdrawal for the requirement for election, and examination on the merits on the basis of all of claims 1-18.

Date: May 1, 2006  
Hewlett-Packard Company  
Intellectual Property Administration  
PO Box 272400  
Fort Collins, CO 80527-2400

Respectfully submitted,

  
N. Rhys Merrett  
Attorney for Applicant  
Reg. No. 27,250